

INTRODUCTION

The Local Governmental Services Commission received testimony regarding the implementation of the Public Safety Realignment Act of 2011 (AB 109 & AB 117 “the Act”) The Commission’s objectives were three fold:

- To examine data collected by the County Probation Department, the Sheriff’s Department, the District Attorney’s office, the Los Angeles Police Department, and any other entities that come in contact with the new category of custody for non-violent, non-serious, and non-sexual offenders.
- To hear from stakeholders on the front line in implementation of the legislation to explain the data and discuss the implications for the safety of residents in the municipalities and unincorporated areas of the County.
- To receive an update by Superior Court personnel and those familiar with the administration of our courts on whether sufficient personnel is available to provide a speedy review of revocation of paroles given severe budget cuts and the resulting financial shortfall that has led to massive court closures.

The testimony gave insight into the challenges associated with implementing legislation that apparently was flawed from the very beginning which is evidenced by the need for clean-up legislation within two months of its passage. Efforts made at the local level have sought to mitigate some of the deleterious effects of the legislation by providing short term creative solutions to prevent an increase in crime.

The Commission lists the following findings derived from those who testified regarding implementation of the Public Safety Realignment Act:

- The non-serious, non-violent, non-sexual offender’s classification is not based on the criminal’s total record of previous offenses, rather only on their current offense. Prior convictions of more serious offenses are not considered. The implication is that these offenders may be more violent than their current classification indicates. This misclassification of the offender presents increased risks not only to the safety of the general public but to law enforcement as well.

- Parole hearings for non-violent, non-serious, non-sexual offenders under realignment will shift to the Superior Courts Criminal Arraignment Center which has plans for reconfiguration to try to accommodate the increased demand. The \$300-500 million state budget cut has led to the closing of many courts and program eliminations such as the adoption court and the juvenile mediation program. The increased demand comes at a time when the courts are underfunded and understaffed to handle the additional demands brought about by the implementation of the Act.
- The judicial tool of using “split sentencing” has been recommended as a means of providing better monitoring of offenders. However, defendants are not inclined to agree to a split sentence because they want to avoid a supervision tail e.g. a person sentenced to 4 years but court says 2 years in custody and 2 years of mandatory supervision. Street-wise defendants do not want to be subject to search and seizure provisions so they would rather avoid the tail by doing slightly more time in custody. The defendant’s unwillingness to agree to “split sentencing” takes away a significant tool that could be used to monitor and track offenders once released.
- In response to the low-level offender transfer of supervision from the state to the county level, the LAPD created the Parolee At Large Unit to provide oversight and coordination for all of the geographic areas while having the capacity to locate and arrest people who are absconding. Likewise, every geographic division (21 in total) created a parolee compliance unit to verify and investigate whether the person actually is living at the address stated upon their release and to track, monitor, and conduct probation compliance checks. Compliance checks have been at the heart of the department’s efforts to work through the challenges of implementation; however, compliance checks alone will not cure the problem. As a result, some areas of the city of Los Angeles may receive less law enforcement services than are warranted given their needs.

CONCLUSIONS

Based on the totality of the testimony, it has become evident that the short-term mediation efforts to mitigate the deleterious effects of implementing the Public Safety Realignment Act are not sufficient to prevent an increase in crime related to early release and custody of the so called non-violent, non-serious, non-sex crime related offenders. In short, as a result of the Act, Los Angeles County jail is now over-crowded and subject to potential lawsuits. Moreover, misdemeanor offenders serve almost no jail time, as if part of a “catch and release” program. There are woefully inadequate resources to deal with the problems inherent when realignment means relocation not just from state prisons to county jails but of all the ills associated with these offenders. Furthermore, the over-crowding of our county jails as a result of the Act has shifted the financial responsibility for the construction of new incarceration facilities to Los Angeles County tax payers, a burden best funded by the state government that created the problem in the first place.

The Commission makes the following recommendations for action to the Board of Supervisors:

1. To oppose any further implementation of the Public Safety Realignment Act of 2011 because it puts at risk the safety of Los Angeles County residents.
2. To direct the County lobby in Sacramento to seek to repeal and replace the Act with a law that keeps state offenders in state prisons that are paid for by the state of California.